

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

Ms. Susan Neitzel
Idaho State Historic Preservation Office
210 Main Street
Boise, Idaho 83702

September 2, 2005

**Re: STB Docket No. AB - 872X, Great Northwest Railroad, Inc. - in
Clearwater County, ID**

Dear Ms. Neitzel:

I am writing to request your assistance in the rail line abandonment proceeding captioned above. I would appreciate any comments you might have on our determination of whether the proposed abandonment would have any adverse effect on historic resources. I have summarized the background and current status of this proceeding below.

The Great Northwest Railroad, Inc. (GNR) filed a petition for exemption with the Surface Transportation Board (Board) seeking authority to abandon and discontinue service over a railroad line in Clearwater County, Idaho. The Board's approval of the abandonment is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA) and is thus covered under its provisions. The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act (NEPA), including the NHPA.

In 2004, SEA notified the Advisory Council on Historic Preservation (ACHP) that the proposed abandonment might affect historic properties, and in a letter dated October 18, 2004, the ACHP responded that it did not believe that its participation in consultation to resolve any adverse affects was necessary. Accordingly, the ACHP will not be involved in the Section 106 consultation process.

At the request of your office, a Heritage Resources Assessment (Assessment) was prepared by the railroad and submitted to the Board in July 2005. SEA has reviewed the proposed project, and we agree with the findings in the Assessment that there are a number of sites and elements, including the rail line itself, that are eligible for listing in the National Register of Historic Places. Accordingly, we have determined that there are historic properties that may be affected by the undertaking [36 CFR 800.4(d)(2)]

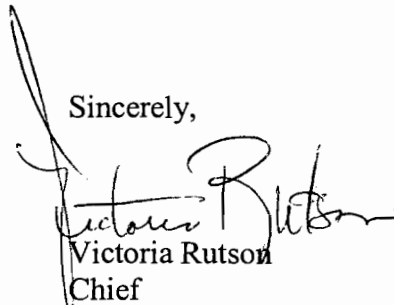
There are three phases under Section 106, and SEA is in the process of beginning the second phase, known as the Assessment Phase. During the Assessment Phase, the agency determines whether the proposed abandonment would have any adverse effect on historic resources. Accordingly, we request comments from your office to assist us in this determination.

We note that GNR is currently in negotiations regarding the development of rail banked trail which would effectively postpone the abandonment in the event that a trails-use-agreement is reached.

In addition, we are writing to clarify the area of potential effects (APE) for the proposed project. The line proposed for abandonment extends from Milepost 3.5 at Orofino, to Milepost 31.0 near Jaype, Idaho. Accordingly, the APE encompasses 328 acres and extends for 27.5 miles along the right-of-way, which averages 100 feet in width. In a letter dated August 11, 2004, you suggested that a portion of the line might be located on the Nez Perce Indian Reservation. However, in an August 11, 2005 phone call with SEA, Mr. Kevin Cannell at the Nez Perce Tribe stated that the line proposed for abandonment ends at the reservation line.¹ We have requested written confirmation from the tribe that the APE does not include the Nez Perce Indian Reservation.

Once you have completed the review of the Assessment, please contact Christa Dean of my staff at (202) 565-1606 with your comments on or before September 20, 2005. If you have any questions or require additional information regarding this proceeding, please do not hesitate to call our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson", is written over the printed name.

Victoria Rutson
Chief

Section of Environmental Analysis

cc: Kevin Cannell, Nez Perce Tribe
Karl Morrell, Ball Janik LLP

¹ As stated in the September 10, 2004 Environmental Assessment, GNR initially planned to seek abandonment authority for the rail line located between Milepost 0.0 and Milepost 3.5, but this portion of the rail line was removed from the scope of the abandonment request.